

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

&

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

MFA.No. 229 of 1999

OP(MV)NO.479/1996 OF THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, OTTAPALAM

APPELLANT/PETITIONER:

**KANNADASAN, AGED 28 YEARS, S/O GOPALAN,
CHALIAMPARAMBIL HOUSE, KUMARAMPUTHUR
POST, KULAPADAM, MANNARKKAD TALUK,
PALAKKAD DISTRICT.**

BY ADV. SRI.O.P.NANDAKUMAR

RESPONDENTS/RESPONDENTS 1 TO 3:

- 1. K.AYYAPPAN, S/O RAMAN, AGE NOT KNOWN,
KUNNATH HOUSE, KOONATHARA POST,
SHORANUR, OTTAPALAM TALUK,
PALAKKAD DIST.**
- 2. RAMACHANDRAN, AGED 27 YEARS,
S/O SUBRAMANIAN, KUNDUKALATHIL HOUSE,
VADANAMKURUSSI POST, SHORANUR,
OTTAPALAM TALUK, PALAKKAD DIST.**
- 3. THE UNITED INDIA INSURANCE CO. LTD.,
OTTAPALAM.**

R1 BY ADV. SRI.SANTHEEP ANKARATH

**THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD
ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

J.B.Koshy & K.P.Balachandran, JJ.

M.F.A.No. 229 OF 1999

JUDGMENT

Koshy, J.

The appellant/claimant met with a motor accident due to the negligence of the driver of the vehicle insured by the third respondent Insurance Company. He claimed a total compensation of Rs.68,800/-. The Tribunal awarded only Rs.30,250/- as compensation. The injury suffered by him as per Exhibit A5 wound certificate is compound fracture right elbow. Internal fixation was also done. Even though the doctor certified 15% permanent disability, we are of the view that for fracture of elbow, which was cured and united, 15% disability assessed cannot be accepted. The doctor was not examined. It is not clear whether 15% disability is to the right hand alone. However, the Tribunal has granted Rs.12,000/- as compensation for disability and a total compensation of Rs.30,250/-

with 12% interest per annum from the date of application, i.e. 29.2.1992, till date of realisation. The award was passed only in 1996. Considering the total amount granted as compensation, the nature of injury suffered and the rate of interest granted, we are of the opinion that no further enhancement is necessary.

Therefore, the appeal is dismissed.

(J.B.Koshy, Judge)

15th June, 2007

(K.P.Balachandran, Judge)

tkv

J.B.Koshy & K.P.Balachandran, JJ.

M.F.A.No.229 of 1999

JUDGMENT

15th June, 2007